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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,369	06/19/2001	Istvan Szabo	2466-97	1073

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EXAMINER	
LEVITAN, DMITRY	

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/883,369	SZABO, ISTVAN	
	Examiner	Art Unit	
	Dmitry Levitan	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 July 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Amendment, filed 7/12/06, has been entered. Claims 1-21 remain pending.

Claim Rejections - 35 USC § 101

In light of Applicant's amendment claims 15-21 rejection under 35 U.S.C. 101 has been withdrawn.

Claim Rejections - 35 USC § 103

1. Claims 1-4, 8-11 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wan (US 6,529,475).

Wan teaches a method, a system and computer program product of determining whether to accept an incoming IP telephone call over IP network (real time VoIP network on Fig. 1 and 2, compatible with H.323 standard including Internet and VoIP 2:17-48), comprising:

a. Receiving an incoming call at an IP telephony gateway (inherently part of gateways 108, shown on Fig. 1 and 2, connected to IP calls originating terminals 104, wherein the calls are directed to a gatekeeper 100 2:35-57),

b. Reading at least one current performance indicator value provided by the monitoring mechanism for monitoring the performance quality of plurality of ongoing calls for a number of lost packets at central server (reading the congestion information at server 112 on Fig. 2, received from monitors 110 8:21-37, monitoring a plurality of ongoing calls 8:8-12, wherein the RTCP packets are monitored for packet loss rate 8:12-20, as an current performance indicator value indicating a number of lost packets), and

c. Determining at central server if the incoming call is to be accepted or rejected based on the read at least one performance indicator value (inherently part of the system, because gatekeepers are responsible for the new calls admission 2:49-63 and call admission control is recommended for VoIP calls based on the results of the congestion analysis 6:45-7:11).

Wan also teaches distributing the functionality of the central server to the gatekeepers (8:58-65).

Wan does not teach combining monitors and IP telephony gateways with respective gatekeepers with distributed central server functionality.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine monitors and IP telephony gateways with respective gatekeepers with distributed central server functionality of Wan to save cost, as the combination of units sharing some components costs less than separate units.

In addition, regarding claim 8, Wan teaches means for receiving an incoming call (inherently a portion of gateway 108, because receiving incoming calls is essential for the system operation, Fig. 1 and 2:40-57), means for reading indicator value (inherently portion of server 112, because reading the results from monitors 111 is essential for the system operation 8:30-33) and means for determining to admit the call (inherently a portion of server 112, because server 112 determines to admit or reject a new call 8:45-55).

In addition, regarding claim 15, Wan teaches an output signal indicating the result of admission determining (a signal from server 112 to the gatekeepers 100 shown as step 206 on Fig. 3 and 8:45-55).

2. Claims 5-7, 12-14 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wan in view of Grabelsky (US 6,678,250).

Wan substantially teaches the limitations of the claims (see the rejection above), including determining the incoming call admission based on the network performance and utilizing thresholds for the bandwidth management 2:57-62).

Wan does not teach determining the network performance, based on comparing the indicator value with a threshold and forming a function on at least one indicator value and compare it with predetermined threshold.

Grabelsky teaches determining the network performance, based on comparing the indicator value with a threshold (comparing performance parameters like packet loss, round trip delay and jitter with alarm thresholds and determining the network performance based on the comparison result by generating or not generating an alarm as shown on Fig. 6, steps 150 and 152 and 13:17-25) and forming a function on at least one indicator value and compare it with predetermined threshold (determining the round trip delay 8:7-23 and comparing the result with a threshold 13:17-25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add determining the network performance, based on comparing the indicator value with a threshold and forming a function on at least one indicator value and compare it with predetermined threshold of Grabelsky to the system of Wan to improve the system call admission by using the comparison of monitored parameters with the predetermined thresholds making the determination of the network performance measurable and consistent.

Response to Arguments

3. Applicant's arguments filed 7/12/06 have been fully considered but they are not persuasive.

On page 8 of the Response, Applicant argues that Wan teaches a centralized monitoring solution patentably different from monitoring performance at the IP telephone gateways.
Examiner respectfully disagrees.

Wan teaches a plurality of monitors 110 around the network to monitor the data traffic for RTCP packets, it is the analyzing of the packets which is performed at a central server 4:60-67 and Fig. 2.

Therefore the monitors of the traffic are not centralized and it is obvious to one of ordinary skill in the art at the time the invention was made to collocate the monitors with IP gateways to save cost.

See obvious design choice case directed to making parts separable – In re Dulberg, 289 F.2d 522, 523, 129 USPQ 348, 349.

On page 8 of the Response, Applicant argues that gatekeepers of Wan are limited to react to reduce congestion.
Examiner respectfully disagrees.

Wan teaches gatekeepers to refuse to make any more connections, therefore to provide an admission control/bandwidth management to the network 2:49-63.

On page 8 of the Response, Applicant argues that the gateway is the originator of RTP media flow in contrast with the flow origination at the end user equipment of Wan.

Examiner respectfully disagrees.

The systems of the current Application and Wan are patentably identical in regarding of the RTP flow generation, as it is the users who inherently generate the calls in the current Application, because the IP gateway of the Application is intended for the IP telephony, wherein the calls are generated by the system users. In addition, Wan teaches an IP gateway 108, which generates the RTP flow, as the IP gateway of the current Application.

On page 9 of the Response, Applicant argues that Wan does not teach transport and control signaling in separate layers.

Examiner respectfully disagrees.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., separate layers) are not recited in the rejected claim(s) or disclosed in the specification.

On page 9 of the Response, Applicant argues that it is not obvious to combine elements of Wan to save costs.

Examiner respectfully disagrees.

Applicant's arguments directed to large scale network particulars are not convincing because the combination of elements of Wan in one device will save costs and operational.

The rational of the intended use of the combination of elements or separate elements in different environments is a design choice and is not related to the patentability of the invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is (571) 272-3093. The examiner can normally be reached on 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on (571) 272-7529. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dmitry Levitan
Examiner
Art Unit 2616